

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BILLY CANNON,

Petitioner,

v.

Case No. 15-cv-437-pp

REED RICHARDSON,

Respondent.

**ORDER CLOSING CASE FOR ADMINISTRATIVE PURPOSES WITH THE
RIGHT TO REOPEN AFTER EXHAUSTION**

On April 13, 2015, the petitioner filed a petition for a writ of *habeas corpus* under 28 U.S.C. §2254. Dkt. No.1. On January 29, 2016, the petitioner asked the court to stay his case pending his exhaustion of his state court remedies. Dkt. No. 34 at 3-4. The court granted that motion on March 15, 2016, and stayed the federal proceedings. Dkt. No. 36. The court ordered the petitioner to file status reports every sixty days, to let the court know the progress of his state litigation. Id. The petitioner since has filed several status reports, the last of which the court received on February 22, 2018. Dkt. No.46. In that last status report, the petitioner reported that his direct appeal in the Wisconsin Court of Appeals was still in the briefing stages.

The court applauds and thanks the petitioner for filing his status reports every sixty days. Given how long the state proceedings are taking, however, rather than requiring the petitioner to continue filing updates, the court is

going to ***administratively*** close the petitioner's case, with the parties retaining all rights they would have had had the case not been closed for administrative purposes, until the petitioner notifies the court that his state court proceedings have finished. As soon as the state court litigation is complete, the petitioner may file a one-sentence motion, asking the court to lift the stay and reopen his case. The court will grant that motion immediately, and the filing date will remain April 13, 2015. (In other words, the administrative closure and subsequent reopening do not change the fact that, for statute of limitation purposes, the petitioner filed his petition on April 13, 2015).

The court **ORDERS** the clerk of court to **CLOSE** this case for administrative purposes.

Dated in Milwaukee, Wisconsin this 26th day of February, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge